

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**IN RE:** § **CASE NO. 16-10024**  
**GREGORY HEWITT LAHR** §  
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**DEBTOR** § **Chapter 7**  
**(SS# XXX-XX- 5035)** §

## **OBJECTION TO DISCHARGE UNDER §523 of F.B.R. CODE:**

COMES NOW, BRIAN VODICKA and STEVEN B. AUBREY, hereinafter referred to as (“**Plaintiffs**”) and files their Objection to Discharge Under §523 of F.B.R. Code and respectfully show the Court as follows:

## OVERVIEW

1. This adversary proceeding is brought by Plaintiffs in connection with this Chapter  
7 case now pending before this Court, to determine the dischargeability of Plaintiff's debt, which  
occurred as a result of LAND fraud in the Wildhorse Ranch. The land fraud in the Wildhorse  
Ranch was part of a global real estate Ponzi scheme in which Lahr, among others, worked for  
the Russian mafia recruiting other people's money into the Ponzi scheme<sup>1</sup>. See the deposition  
of North Miami Beach Police Detective Edward Hill attached as Exhibit "A" hereto. At the time of

<sup>1</sup> For a chart of the Russian Mafia's hierarchy, see **Exhibit "C"** attached hereto. This was first disclosed to U.S. Federal Judge Sam Sparks on June 26, 2013 in the Appendix of the First Consolidated Complaint.

Hill's investigation and deposition, federal authorities had taken over. At some point during the F.B.I.'s investigation of Sky Development Group, three agents traveled from Miami-Dade County to the Winter Park residence of Dr. Alexandra Krot and informed her that Victor & Natalia Wolf were wanted by the F.B.I. and Interpol<sup>2</sup>. Texas and Sky Development's land fraud are well documented on the F.B.I.'s own web site of Most Wanted criminal fugitives under the aliases names, Victor and Natalia Wolf. See **Exhibit "D" and "E"** incorporated herein and attached hereto for all purposes. Other convictions and associated documents evidencing the Russian mafia's racketeering enterprise depicted on Exhibit "C" hereto are attached as **Exhibits "T", "U", "V", "W", "X", and "Y"**. Vitaly Zaretsky also testified in this Court's proceedings that a Lahr borrower, Gennady Borokhovich had disappeared back to the Ukraine<sup>3</sup>. Sky Development Group included all the associates of the dummy company, Sky Group of Texas according to former Texas State Securities Board investigator, Certified Fraud Examiner and C.P.A. Kenneth Huff in his report, *Front* companies, *Shell* companies and *Dummy* companies, included as **Exhibit "F"**. This vast net-work of East coast Russian Immigrants forms part of Russian Organized Crimes' operations in the United States of America.

2. Finally, with the U.S. Presidential campaign in full blossom and television attack ads filling the homes of millions of Florida residents of Borokhovich's employer Bayrock LLC<sup>4</sup> and Borokhovich bosses, Haim Felix Sherorofsky a/k/a Felix Sater and Tevfik Arif a/k/a Tofik Ariova a/k/a Tofik Hrifov a/k/a Tofik Arif, this exact same net-work is receiving the some public scrutiny which former U.S. Supreme Court Justice Louis Brandeis would be proud *ie. "Sunlight is the best disinfectant."* This network was first submitted to Untied States federal Judge Sam Sparks on June 26, 2013 [Doc # 326 in Case 10-cv-00076]. The truth finally is prevailing as

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<sup>2</sup> Interpol is the global police organization. See Krot Declaration **Exhibit "B"** ¶ 20.

<sup>3</sup> Lahr's net-work of criminal borrowers included another international fugitive of the F.B.I. Eric Brauss of "Today Realty Advisors" fame in Dallas , Texas. Brauss, Morris, and Thorne formed a Ponzi scheme in North Texas using Lahr as a subsidiary recruiter steering Ponzi investments of elderly ladies and World War II veterans into worthless shopping malls in North Texas.

<sup>4</sup> See **Exhibit "G"** – the credit report of Gennady Borokhovich a/k/a Gemnay Doraborakhovich

millions of Florida residents now are aware of U.S. Senator Ted Cruz's call for sunlight to be applied to this exact same network of Russian Immigrants, first revealed by Plaintiffs back in June 2013.

3. Years after two different United States Trustees, Valerie Wenger and Randoll Osherow for the Western District of Texas, Austin Division, in this exact same very federal Court, failed in their duty to simply "follow-the-money" of this Ponzi scheme, CNBC and the FBI promulgated the fraud complained of herein across the world by airing an episode of American Greed entitled "*From Russia With Lies*". Long before this program, Plaintiffs were required to spend much time, money and endless effort to "follow-the-money". This included legal battles over Fidelity National Title's<sup>5</sup> guaranty files and records. Plaintiffs' were first provided a Destroyed Business Records Affidavit from a Fidelity Title V.P. - and were subsequently caught red-handed in their own lie under oath. Over 6000 thousand records were ultimately produced. Legal battles with North American Title<sup>6</sup> ensued. NAT is part of Fortune 500 Lennar Homes, located in Miami-Dade County, coincidentally, or maybe not; just like the Wolfs. These records showed "off-the-books" and "under-the-table" *Side-Deals* between Zaretsky & Lahr; Zaretsky & Porter; Zaretsky & Barlin, Zaretsky & Turner and Zaretsky & Williams. The NAT records also showed Back-Room deals for kickbacks not disclosed in an array of federal bankruptcies cases in this Bankruptcy Court.<sup>7</sup> NAT's records showed destroyed governmental records – the Texas notary books of Karen Williams; destroyed because many of the "closings" violated NAT's own policies and procedures of what are called in the title industry as "drive-by closings"; similar to a drive-by shooting. Former Texas Deputy Commissioner of Title Insurance Robert Philo termed the North American Title guaranty files used in the Wildhorse ranch were multi-million dollar

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<sup>5</sup> Fidelity Title in the nation's largest title company and part of an umbrella Fortune 500 company.

<sup>6</sup> North American Title, or "NAT" is the nation's 7<sup>th</sup> largest title company

<sup>7</sup> Case No. 08-10417-CAG: J&T Development Group LP; Case No. 08-11016-CAG: Waterfall Gallery of Austin LP; Case No. 08-10416-CAG: J-Tail LLC. All three of these fraudulent bankruptcy cases involved the shell/dummy company over-laying of different tracts of raw land in the infamous Wildhorse Ranch. Detailed records of these three bankruptcy fraud cases have been previously provided to the correct U.S. Trustee, Ron Satija. Plaintiff will gladly provide this to this Court if requested.

**“SLUSH FUNDS”<sup>8</sup>.** Plaintiffs’ only memory of million dollar slush funds stems from the Watergate scandal of former president Nixon’s White House plumbers<sup>9</sup>. Of course, NAT created their own boiler room of fraudulent records for the Russian Mafia, to wit: ~ 11 Falsified HUD-1 Settlement statements, coined by two different United States Maryland Federal Judges as racketeering activity way beyond the scope of their license to conduct settlement activities<sup>10</sup>. In fact, Federal Judge Titus and Davis set a national trend Justice Brandeis would be proud as they coined the phrase that [sic] title companies “**defendants have a license to provide title insurance and settlement services, “not a license to steal”**”. Of course, the falsified HUD-1 and falsified Closing Statements only furthered the fraudulent bankruptcies used by the Russian Mafia in the Federal Bankruptcies in the Western District of Texas, Austin Division, as detailed in Footnote 6 above.

4. Plaintiff's were finally successful in “following-the-money”. The true extent and payoffs by, to and among the Russian Mafia blossomed in full view. Money was transferred to Wachovia Bank in Florida’s Sunny Isles Beach, (“Little Moscow”) from banks in Moscow and Cyprus, known money laundering centers of Russian Organized Crime<sup>11</sup>. Money was also transferred from Florida’s Sunny Isle Beach to Citibank in Brighton Beach, Brooklyn, New York (“Little Odessa”). Money was transferred from the Bronx operators (“Zeltser Brothers”) to the IOLTA account of Wolf’s Austin Texas attorney William Hemphill– and then right back deep into the bowels of Fidelity National Title’s New York accounts of its flagship New York City office,

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<sup>8</sup> See attached “**Exhibit H**” – Expert Report of Robert Philo

<sup>9</sup> Contributing to the million dollar slush funds was a separate Nixon \$8.24 million real estate loan of International Ban of Commerce, Laredo, Texas. This Nixon was Chairman and CEO of IBC’s parent company. This bank loan file used a SHAM person that did not EXIST named Sham Avadavez as a bank reference for Vitaly Zaretksy.

<sup>10</sup> U.S. Federal Judge Roger W. Titus *Melvin J. Proctor Jr. et. al. vs. Metropolitan Money Corp. , et. al.* U.S. Federal Judge Andre M. Davis *Massey v. Lewis*.

<sup>11</sup> Wachovia bank accounts of Sky Development Group ,and (a fake title company) All Title & Trust. Yes, as the St. Petersburg Times article reveled, fake title companies did exist. The Wolfs fake Title company also used a drainage ditch fictitious address on Collins Avenue in Miami-Dade County, Florida. These can be made available to this Court should this Court need to or want to prove the money laundering counts concealed by the multiple bankruptcy frauds committed thru this Court.

concealing the true identity of the Zeltser Brothers as members of J&T Development in the illegal land flip of the 200 acres, a mere 39 days after the “purchase” of this same tract of land. Money was siphoned off from Texas cow pastures to secret accounts in Brighton Beach, Brooklyn, New York, the original home of the Russian Mafia in the United States.

5. Unknown disclosed money - Alleged bribes - were paid to Manor Mayor Jeff Turner from an array of secret accounts. First, Turner received checks from Wolfs Hemphill's IOTA account. Alleged bribes were also paid to Manor Mayor Jeff Turner from (a) Wolf/Zaretsky/Borokhovich/Zeltser Brothers New York attorney Citibank Boris Serebro's IOLTA account to Turner's account at Independent Bank – Manor, Texas; (b) the dummy company account of Sky Group of Texas, maintained in Brighton Beach, Brooklyn, New York; (c) the dummy company account of Frontier Acquisitions maintained in Brighton Beach, Brooklyn, New York; and (d) the Russians account held by North American Title at Union State Bank in Florence, Texas. The “flipping-of-money” across state and international borders derived from stolen property promoting fake developments is a classic study in money laundering under 18 U.S.C. §§1956 & 1957. It also is a classic case study of federal racketeering<sup>12</sup>. As in John Grissom's novel *The Firm*, the **Cayman Islands** was also used in the Wildhorse Ranch to conceal the true ownership and source of the most important loan in the Wildhorse Ranch land-flipping scheme – i.e. the \$11 million loan used in the 200 acres.

6. The national and international money laundering across state and national borders is now front and center before this Court.

7. Lahr used many different shell companies and names over the past two generations, beginning with Capital Investment Network. One stands out – Y2K Shark Enterprises. Lahr preyed upon mostly elderly retirees using classic predatory tactics. A local U.S. Army Vietnam veteran Thomas R. Reames, and a customer of Lahr's shells Capital Advantage \_Texas and Creative Financial Solutions knows the common denominator of Lahr's

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<sup>12</sup> Plaintiff suggest Grell on RICO as a first step to comprehend ROC's racketeering in Austin, Texas.

first entry into Texas was playing bridge with the ladies. Focusing solely on the Lahr loans and real properties used across the entire nation, Plaintiffs' were victims of "The Bridge Club Ponzi". Matt Gravel stated to Plaintiff Vodicka that yes, the FBI had developed many counts to charge Lahr, Thomas Caufmann a/k/a Todd Kaufman, and Lisa Caufmann during their operation of Capital Advantage in Texas<sup>13</sup>. Gravell stated chasing terrorism prevented the conclusion of indicting Lahr's group back in the 2002 – 2005 time period. In fact, one document, which Plaintiffs were precluded from discussing at trial, among many, was Evan Rae's contact with Gunn, before she promoted the same loans using the same Austin, Texas drop box used simultaneously by Lahr's Nevada company, Capital Advantage Long Beach, California and herself<sup>14</sup>. Of course, exactly where Lahr operated the Long Beach California part of Capital Advantage is confusingly murky, considering Lahr used a fictitious address in Austin, Texas for the Long Beach CA operations – the true home of Lisa & Fred Fletcher 3411 Foothill Terrace right here in west Austin.

8. Lahr destroyed all of his records, and Plaintiff's intend to object to Lahr being allowed the shield of federal bankruptcy protection when Lahr and his associates have perpetrated so much federal bankruptcy fraud that will take time to lay out person by person and loan by loan. Lahr "purchased" most of Griesbach's Lone Star Realty and Appraisal company for \$1.00 as evidenced by Greisbach's bankruptcy in the Western District of Texas, Austin Division. To the extent Lahr used Griesbach appraisals, such as in the most recently completed federal trial, these appraisals violated F.I.R.R.E.A., legislation adopted and signed into law by former U.S. President George Herbert Walker Bush – designed to prevent another Savings & Loans crisis of the 1980's. After FIRREA became the law of the land, the appraiser in real estate

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<sup>13</sup> Based upon a personal meeting and interviews of victims who met with F.B.I. Special Agent Eva Rae.

<sup>14</sup> Lahr scrubbed records of Republic of Poland resident Shawn Quinn and her Ponzi payment to Joyce Porter in the "\$4.5" million loan. Quinn surfaced in Houston, Texas shortly before the federal trial and the Houston law firm representing Plaintiffs' at the time would not file a Spoliation Sanctions Motion. One of Lahr's many Six Flags Mall mortgage loans involved a Mark Nagle, who apparently was residing in Sri Lanka at the time – deduced from the notary attestation.

loans financed using federal institutions ( such as Fort Worth National Bank) must maintain, like auditors of listed public companies, "Independence"<sup>15</sup>. One of Lahr's sub-promoters, Timothy Marc Knutsen a/k/a Mark Knutsen's Western District of Texas, Austin Division, Statement of Financial Affairs and Adversary complaint are attached as **Exhibits "J" & "K"** hereto. Once again, this bankruptcy court is used to wipe-away years of income tax owed to the school systems in California. At or near the exact same time, Knutsen obtained a November 2, 2005 bank loan form Fort Worth National Bank as a "straw-buyer" with Lahr in Onion Creek 89 LP<sup>16</sup> KNutzen was also a straw buyer in the Pioneer-at-Walnut Creek mortgage loans. To the extent these national bank loans were Renewed, or "Rollover" (in Ponzi speak), the bank fraud begins of eh date of Renewal. This national bank fraud played this federal bankruptcy Court off the IRS and off the banks, like an old *Irish* fiddle. Plaintiff's attach and incorporate **Exhibit "M"** herein for all purposes. Stronger banking practices of Texas banks was one of the goals of the federal law FIRREA, designed to prevent people like Nixon, Lahr, Griesbach, KNutsen, Zaretsky, Borokhovich, Turner, and the Zeltser Brothers from the Bronx. The Wildhorse Ranch provides evidence that no lesson was learned from FIRREA.

#### JURISDICTION

9. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334, and pursuant to 11 U.S.C. § 523(a)(2), 11 U.S.C. § 523(a)(19) and Bankruptcy Rule 4007(a). This is a core proceeding under 28 U.S.C. §157(b)(2)(I) and 28 U.S.C. § 157 (b)(2)(J) among other sections, and is an adversary proceeding subject to Part VII of the Bankruptcy Rules.

10. Debtor Gregory Hewitt Lahr filed a Chapter 7 petition in the above-entitled case number on January 6, 2016. [Doc # 1]

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<sup>15</sup> Griesbach Statement of Financial Affairs in the Western District of Texas is attached as **Exhibit "I"**

<sup>16</sup> See **Exhibit "L"** attached

11. This Automatic Stay imposed by this case was lifted in January 2016. [Doc # 6 – Doc # 12]

### **CASH FOR TRASH**

12. Plaintiff debt stems from a real estate loan brokered by Lahr, which was a SHAM LOAN. Sham LOANS are customarily viewed in the context of IRS tax evasion and tax dodging. In essence, taking tax-free distributions of dividends or tax-free distributions of profits. Calling these “loans” has been repeatedly determined by the Courts across the United States and Accounting Standards and Auditing Standards a violation of “substance over form”. The United States 5<sup>th</sup> Circuit of Appeals has termed these type of worthless sham loans as “**CASH-for-Trash**”. USA vs. Beutenmuller 29 F. 3d 973 (1994). The Cash-for-Trash Beutenmuller loans emanated from the S&L crisis of the 1980’s and bad banking practices. Bad bank loans, (similar to the exact Lahr loans objected to herein) fueled both the 1980’s Savings and Loan crisis across the nation and the Financial Crisis of 2008. Some things just never change – human nature and bad USA banking practices.

13. Lahr peddled the same loans to approx. +/- 100 people. A University of Texas MPA graduate accounting major Sarah Most spread schedule can only be provided via CD disc – there are just way too many loans and properties with a spread sheet starting in Column A and ending in column EEE, with A-Z, AA- ZZ, and AAA – EEE. The end result is Lahr’s Ponzi scheme reveals approx. \$24 million in losses among a predominance of elderly victims. The Plaintiffs’ loan in Manor involved the Russian Mafia. It was destined to fail from the beginning. Lahr arranged it to have only 1 guarantor when there were at least 8 other people known as J&T partners, including one of Austin’s wealthiest families.

The only guarantor was Vitaly Zaretsky, a “nurse staffing operator” of a New Jersey dummy company obtaining H1-B visas<sup>17</sup>. Zaretsky federal income tax returns evidence this company was dummy company. Plaintiffs’ attach the federal income tax returns of Vitaly Zaretsky as. It is known now to Plaintiffs that H1-B visas obtained using dummy companies are the mechanism organized crime, including the Russian Mafia, imports people in human trafficking rings, trafficking women, kids, etc. The government’s problem is U.S. Immigration does not compare tax information to see if companies actually exist before they grant H1-B visas (sad, but true).

14. Federal Judge David Alan Ezra ruled that Lahr “loans” were a “security”. Even up to, during, and at the close of Plaintiff’s handicapped case without the benefit of former agents Matt Grivel, Evan Rae, Robert Zane, or Kurt McKenzie, the issue of these loans being securities was heavily litigated. This missed the point. This gave an easy out for the Russian Mafia. This missed the greatest land fraud known to many in the 21<sup>st</sup> Century of Sky Development Group and Bayrock – basically the same people just different properties and roles up the ladder of Russian Organized Crime. The “securities” issue became the law of the case to Plaintiffs but not the law of the case to the Defendants. Former President of Teas Surveying Board Gary Gilley stated” What is the common denominator between all these people? All this Money? All these Loans? All these Transactions?

15. The simple answer he gave: LAND.

#### **ENTER SUSMAN GODFREY**

16. Because Plaintiff counsel at the time did not believe and would not sign pleadings alleging securities fraud of these loans, Plaintiffs were forced to go obtain the services of Susman Godfrey. Plaintiff then became aware that in two diametrically opposed cases, Susman Godfrey argued similar loans were “securities” and also, in another case, these loans “were NOT securities”. This difficult murky area of the law should not have been eclipsed by the

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<sup>17</sup> Plaintiff refers the Court to **Exhibit “N”**, detailed visa information of New Jersey. Of course, this needs to be verified from U.S. Immigration to compare information submitted to the Internal Revenue Service and New Jersey State Income tax officials.

Russian Mafias global land fraud, giving the Russian Mafia a free pass in the Western District of Texas, namely Travis County, Texas.

17. This is WHY Plaintiff's specify not only §523(a)(2), but also §523(a)(19). Both may apply. Plaintiff believes this Court must avail itself of a local citizen, who also happens to be a nationally recognized Ponzi expert used by the federal government in the past to convict and send to prison many Ponzi scheme operators, Edmund Martin. All the Court has to do is ASK, and it too, shall receive. Just ask Ed for his re-created books of the Russian mafia's operations in Travis County, Texas, and this Court can get up to speed in light years, and start on third base, whereas years of obfuscation kept Plaintiffs and Federal Bankruptcy Judge Craig Gargotta in the dark from the truth. Martin's spread schedules derived from the records Plaintiff received from subpoenas. Martin goes payment by payment on each transaction. This analysis will show the Court how Lahr's operations intersected the Russian Mafia in the Wildhorse Ranch.

WHEREFORE, Plaintiffs' pray that this honorable Court determine that the above referenced debt and liability of Lahr debt be non-dischargeable, and such other and further relief as is just.

Respectfully submitted,

By: *s/ Brian E. Vodicka*  
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ATTORNEY FOR STEVEN AUBREY

#### CERTIFICATE OF SERVICE

I hereby certify that on the 21<sup>st</sup> day of March 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. Therefore, the undersigned upon information and belief certifies that all counsel of record will receive a copy of these papers through the Court's electronic notice system.

I also certify that on this 21<sup>st</sup> day of March 2016, I served via email the following counsel of record a copy of this Motion and its accompanying exhibits.

Steve Sather [Ssather@bn-lawyers.com](mailto:Ssather@bn-lawyers.com)  
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/s/ Brian E. Vodicka

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